



STATE REPRESENTATIVE

KATHY BERNIER

Testimony on Assembly Bill 613

Assembly Committee on State Affairs and Government Operations

Tuesday, January 28 2014

Chairman Weininger and Committee Members,

Thank you for holding this Public Hearing, providing the opportunity for me to speak in favor of Assembly Bill 613. My testimony, although somewhat lengthy, will provide for you intent and justification so that you may understand the need for clarification of the County Clerk's duties and responsibilities.

First, I would like to discuss an historical perspective for the position of Constitutional Officers in general. Second, I will give clear examples why county government checks and balances are essential for county governance and how the county clerk is a part of that. Finally, I will address the three provisions in the bill that some have expressed concerns over.

The Wisconsin Constitution is reflective of our Federal Constitution as designed by our founders to create checks and balances throughout our Republican form of government. The Wisconsin Constitution is one of only a few constitutions that has not been re-written because authors such as Rufus King II, a key author and signer of the Wisconsin Constitution, whose his grandfather was a key author and signer of the Constitution of the United States at the Constitutional Convention. I submit to you that the Wisconsin Constitution was well thought out and county constitutional officers were not a mistake.

Article VI of the Wisconsin Constitution, entitled "ADMINISTRATIVE" authorizes county constitutional officers. This is a key word that you need to make note of. The County Clerk is and will continue to be an important aspect of the administrative functions of county government. This brings us to the reason we are here today.

There are other individuals and departments that have taken on the roles and responsibilities that historically, and I would argue rightfully, are the duties of the County Clerk. How has this been accomplished? It has been accomplished by direction of the County Board, by the county Administrator and through the budget process by eliminating office staff.

Our founding fathers warned that if one office gives up its power and authority, it is a matter of fact that another office will take up that power and authority tipping the balance of power as laid out in our constitution. Today, more and more county boards are taking rolls and responsibilities from the County Clerk and giving them to county board staff and other departments such as the department of administration.

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One of the problems we see is the ambiguity of the law. To whom does a clerk file a complaint? What is the intent of the 59.23 now and what was the intent of the legislature when they crafted it? My intent with this legislation is to clarify County Clerk duties and responsibilities.

It is crucial that the county clerk continue to be responsive to the county board and yet remain autonomous. I have a great respect for the Wisconsin Counties Association (WCA) and while we have agreement on a vast majority of provisions in this bill, I am sorry that we disagree on one provision. However, I believe there will continue to be a need for an elected county clerk position.

For example, in my experience as County Clerk of Chippewa County, I personally discovered per diem abuse by several county board members. I requested a correction to this problem to the chairman and I brought it to the attention of the chair of the finance committee two months in a row. This went on for months when I finally turned over the information to the newspaper. Would an appointed clerk dare to expose this behavior? I think not.

One may argue that abuse, misconduct seldom happen. That is true only when checks and balances are in place. In October 2013, US Attorney Peter J. Smith concluded an investigation of two county commissioners from Lackawanna County Pennsylvania. The commissioners were found guilty and sentenced. In that instance, and I would argue it applies to county government today, U.S. Attorney Smith noted that counties are urged to increase checks and balances in county government.

This brings me to the unfettered access to the county finances provision in this bill. The provision that already exists states that county clerks shall have free access to the books of account, bills, vouchers and receipts as often as may be necessary to perform duties required, see ss. 59.47(1). Assembly Bill 613 makes it perfectly clear that the clerk provides the check and balances on finances on behalf of the county taxpayers.

Another practical example was that I had access to the County finances electronic accounts. Both the administrator and I provided our budgets to the county executive committee. The committee approved our budgets as presented. From there, the budget was finalized and entered into the electronic system and a summary was provided to the County Board. However, the Administrator changed many of the balances and gave significant pay increases to his assistant, the finance director and various other staff within the County Department of Administration. As an independent constitutional officer, it was my responsibility and duty to expose this to the county board. Further, there are many times a constituent will come into the county clerk's office requesting a copy of a particular line item or budget of the county and its departments. The County Clerk should have this information readily available.

"A Full-time deputy or the equivalent" is the major sticking point with the WCA. The county clerk in the smallest county can and should have a full-time deputy. Their roles and responsibilities as partially listed in 59.23 dictate that. Every constitutional officer is required to have at least one deputy, a deputy that can carry out all the duties and responsibilities of that constitutional officer in their absence. I would argue this means 'as needed.' The Clerk should be the one to determine when the deputy is needed. Wisconsin ss. 59.25 states that the treasurer shall appoint one deputy to aid the treasurer. Wisconsin ss.59.26 states that within 10 days after entering the duties of the office of sheriff, the sheriff shall appoint some proper person as undersheriff. Wisconsin ss. 59.40 mandates

the clerk of courts shall appoint one or more deputies. Wisconsin ss. 59.43 says every register of deeds shall appoint one or more deputies.

The only reason that a clerk is getting by without a full-time deputy - or two or more part-time deputies - is that the County Board has moved some of the clerks' responsibilities to other departments or staff. Pepin County, the smallest of counties, with a population of 7930, has a deputy only 590 hours a year. I live in a village with a population of 6,000 where the clerk's staff includes 3 full-time office staff. The roles and responsibilities are the same for a Pepin Clerk as they are for a larger county; the only difference is the volume of constituent services.

Further, State law in statute 59.20(3)(a) requires the constitutional officer to maintain their offices at the county seat and that all such offices shall keep their offices open during the usual business hours of the any day except Sunday. How can an office be held open when there is not a deputy to act on behalf of the County Clerk? A small fine can be imposed. I assure you that many County Clerks offices have had to close due to lack of staff and supporting documentation provided by the Wisconsin County Clerks Association will show.

In concluding my testimony I'd like to speak to the provision dealing with the Milwaukee County Election Commission. In every county, the clerk has the responsibility to carry out several aspects of the election processes. Milwaukee is the only county in which the county clerk does not provide the election administration function. I am not sure why this function was removed from that office. Simply put, there is no need to have a separate office - in any county - to provide the function of ballot creation, filing officer, election totals and canvassing the results, just to name a few of the primary functions. The board of canvass in each county is bi-partisan and provides this function accurately and, to the best of my knowledge they are trustworthy. I assure you that the county clerk is held accountable by their citizens to carry out election duties according to his/her oath and to uphold the constitution of the United States and the state of Wisconsin. Uniformly across the State, the County Clerk can and should provide oversight of the election process as they are trained by GAB and senior County Clerks.

Again, thank you for holding this hearing and for listening to my testimony. I am happy to answer any questions that you may have.

COUNTY CLERK

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January 28, 2013

Regarding: In support of AB-613

Members of the Legislature:

I applaud your leadership in sponsoring, supporting and holding a public hearing on this proposal which is important to the operations and management of a County Clerk's Office. In updating these State Statutes, our laws will be reflective of the requirements necessary to effectively perform the duties and responsibilities of the County Clerk's Office in the twenty-first century. A County Clerk is granted authority in Wisconsin's Constitution that he or she has a legal obligation to ensure the Clerk's Office has adequate resources to perform duties and provide services to their constituency.

One of the greatest challenges a County Clerk faces today is meeting Budget levy limits as directed by their executive and legislative bodies. In governments, resources are always tight and we are asked year after year to cut maintenance operation costs and/or staffing levels. This is a tough balancing act because many of the duties and responsibilities performed in the County Clerk's Office are state and federal unfunded mandates especially as they relate to elections.

County Clerks take an oath of office to perform the duties of office to the best of their abilities. A County Clerk understands the financial needs, legal requirements, and work load demands of the office. A Clerk is put in a delicate situation to find ways to be innovative to provide the mandated services using the least amount of resources possible.

Hence, adequate staffing in the County Clerk's Office is especially critical business. Staff's long term constancy, work experience, continuing education, and ongoing training are required to effectively implement and fulfill our ever increasing roles in State and Federal elections. Not only are Counties mandated to bear the costs of elections; we are likewise mandated to follow the

state and federal laws and policies set forth by the legislature, Government Accountability Board, Elections Assistance Commission, municipal governments, school districts, and various other agencies and institutions.

Thus, it is essential that a County Clerk have at least one full-time deputy to support the vast array of work performed under the direction of the County Clerk. These duties include but are not limited to County Board matters, contacts, licensing, elections, statewide voter registration, administrative duties, and other responsibilities. Moreover, a full time deputy provides for continuity of services in the absence of the Clerk as well. AB-613 supports at least one full-time deputy per County. It is crucial for the County Clerk's office to be properly staffed for the protection of the mandated duties and responsibilities which are legally required of the Office. The passage of AB-613 does not prevent a deputy from assisting another County office or department; but, to do so would require the approval of the County Clerk.

Another important aspect of this bill is that it reinforces the County Clerk's role in attending to County Board matters and working directly with the County Board Chairman. It expounds on the accommodating duties of the County Clerk and County Board for preparing and filing agenda, minutes, and legal records. In Brown County, we have had 2 separate offices for several years and over that time Brown County has experienced increasing budget costs to support two separate offices and equipment, a duplication of records, wrong direction of committee action and processes, lost records and documents, resolutions and ordinances that are not in their proper format, and a variety of communication mishaps and errors. Upon passage of AB-613, this bill could support Brown County's need to combine two offices into one for overall efficiency, effectiveness, and savings.

Members of the legislature, I hope you will move this bill forward which will modernize the County Clerk's Office and empower County government; standardize statewide election duties with increasing authority to effectively fulfill the requirements; safeguard the inherent checks and balances in County government; and ensure that a County Clerk's Office is adequately staffed to meet demands of the office and provide service to our constituencies.

Thank you for allowing me to speak.

Sandra L. Juno

Brown County Clerk

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ROBERT L. COWLES

**Wisconsin State Senator
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Transportation Projects Commission

January 28, 2014

Testimony for Assembly Bill 613

Assembly bill 613 modernizes and standardizes the state statutes related to clerk duties, safeguards checks and balances within county government, ensures adequate staffing and increases accountability for election duties and information.

The bill comprehensively addresses a number of responsibilities and duties of a county clerk, establishing standard practices for the oversight of elections and election information; additionally, modernizing record-keeping and record storage practices. As the Executive Director of the Government Accountability Board serves as the Chief Election Officer of the State, the bill asserts that the county clerk serve as the Chief Election Officer of their respective county. In the case of Milwaukee County being the only county with an assigned election commission, the county clerk will serve as the Executive Director of the Commission to maintain standard practices with the rest state.

Furthermore, the bill acknowledges more modern record-keeping methods and systems. This provision allows county clerk offices to take advantage of cost-saving technological advances such as electronic record storage and best-practices procedures while maintaining the accountability necessary to maintain the numerous records required by law.

The bill also clarifies that the county clerk fulfill the role to create the agenda for board meetings, file in the clerk's office, keep records of board actions, and maintain access to financial information. Allowing county clerks to have access to financial records maintains the accountability of the clerk's statutory duties and shares financial oversight to maintain a system of balances.

Assembly Bill 613 also ensures that there is adequate staffing to fulfill these duties. The bill requires that counties maintain a full-time deputy clerk and states that the clerk may appoint as many assistants as the county board authorizes.

I wish to thank the Wisconsin County Clerk Association for bringing these changes to the attention of the legislature and safeguarding our elections and maintaining function government and government records.



COUNTY OF MANITOWOC

COUNTY CLERK

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January 28, 2014

Dear Members of the Assembly State Affairs and Government Operations Committee:

AB-613 is a comprehensive reform bill which seeks to update and clarify statutory duties within county government, standardize duties across the state and increase accountability, ensure proper checks and balances within county government, and ensure that the office has the minimum staff necessary to carry out the duties that people elected us to do.

Every county clerk has made a sacrifice to attend today's hearing. Some of us couldn't come because of previous work commitments, and there are others who aren't able to get away from their office because their office is inadequately staffed. Obviously, customers don't stop walking through the office door while we are away. Also, when we are gone there is one less set of hands to accomplish work at this very busy time in our office. I think you'll find that clerks don't ask for much, other than be left alone to do our jobs, and for nothing more than adequate staff to accomplish important work on the part of the people who elected us. **But we are here because we need your help.**

Clerks are an integral part of the check and balance structure of county government. In the relationship between the legislative and executive branch, the clerk's office is Switzerland. But with part-time, citizen-servant legislators, we also have an important duty to serve as a check within the executive branch, and ensure that proper care is being taken with people's hard earned tax money. Also, ensuring that minutes are standardized and centrally located accomplishes a more open and accessible government to our constituents.

I am a firm believer that through voting, the accountability mechanism for county election officials works. Last election cycle, four county clerks were defeated by challengers, and one famously chose not to run. The reasons for their defeat varies (as you know, all politics is local), but in our state, people have the right to directly choose who provides these important services, and statewide there shouldn't be a degree of separation between the people and their county election administrator.

County clerks are a focal point for election administration in each county, and every year there are frequent changes to election law. Elections are among the most important duties of our office, and it takes time to ensure we are well versed on the changes so we can train local election officials. If they are trained properly, that the legislature's intent can be carried out, and election procedures can be properly followed.

But, we can't be effective in anything we do without help. Wisconsin Statute 59.20 ensures that constitutional officers play by the same rules as everyone else in county government, but as our resources dwindle, in some places it is becoming impossible to comply. In order to keep the office doors open in compliance with statute, clerks will tirelessly work to keep them open, oftentimes at a tremendous cost to other areas of their lives. Given all the duties of the office, a full-time or equivalent deputy is not much to ask. There are solutions to ensure this provision is low or no cost to the county. Thank you for your consideration.

County	Is the deputy a salary or hourly position?	What is their compensation? If hourly, \$ per hour, if salary, annual salary.	Does your deputy get benefits? If so, are they full or partial benefits? If partial, please describe.
Buffalo	Hourly	14.78	Yes, she gets full-time benefits because she has hours outside of this office that make her a full-time employee. She is in my office 28 hours and 12 hours as a floater to whichever department requests her.
Dunn	Hourly	\$14.67/hour	No benefits
Pepin	Hourly	17.78	I have two part time deputies. One was employed before I took office. At that time she worked more than 600 hours and received benefits on a prorated basis. My other Deputy, my Lead Deputy, was hired in 2008 and is not allowed to work more than 600 hours annually so that she does not accumulate enough hours to receive benefits. I am allowed to have a Deputy work 490 hours annually in my office.

In the absence of your deputy, how is work accomplished? What are problems? What are potential problems?	How often is your office closed during the week?
<p>If my deputy is not in my office I handle the work myself. I do not take breaks or lunches and will stay late or take work home to accomplish the workload in a timely manner. There have been times where my office is closed because I have a meeting I need to attend and I have no staff to cover the office. This only makes customers upset and double the workload when I return.</p>	<p>It is not closed on a weekly basis. I would have to say it is closed possibly once a month maybe twice depending on what is going on. Very rarely will I close for a full day, but I will close for a few hours to attend meetings. I have come to work with high fevers and days after shoulder surgery to cover the office because of no staffing.</p>
<p>We have a 20 hour per week deputy and the full time clerk. Two days per week the Clerk is alone in the office with no one to give breaks or lunches. If there are meetings or training to attend, often times they are not able to be attended. If there were to be an emergency on some of the days or an illness, there would not be anyone at this time available to cover for the absence. In the event of a vacation or time off needed, the deputy would need to cover the office, but then would need to cut hours at additional times leaving the Clerk in the office alone for the same amount of hours that the clerk would be gone.</p>	<p>We are open Monday through Friday from 8:00 to 4:30. We are only closed due to a declared emergency or designated holiday.</p>
<p>I am responsible for all work in my office. If I have no one to assist me with the workload, I must do it myself. That usually means working evenings and weekends. The problems are that I am only one person and I have a life outside the office, I miss out a lot on my family life. Another problem is that I do everything "just barely" enough to get by. There are some jobs that have to be put off in order to accomplish tasks that are time urgent. I have no time to do a "check and balance" on the finances - I simply sign the checks. I am asked to certify documents that the County Board passes and I have no time to "check" it out to make sure it is "true and correct". There are times when I have had to come into work sick, because I have so little Deputy hours. This is not fair to the other employees in the building. I was told by my oversight committee to close the office if I have no one to come in to work for me. I am unable to attend a lot of the conferences because of the lack of deputy hours and with the ever changing election laws, I always playing catch up and hoping that I'm doing everything right.</p>	<p>In the 9 years I have been in office, the most the office was closed in one day was 4 hours. I will close the office for an hour or two here and there if I have a doctor's appointment. For the most part I schedule my time away from the office on the days my Deputy will be here. And I am very fortunate that my Deputy is VERY flexible and willing to come in on a moment's notice. I have no time to take a vacation. I feel that because I am a public servant, the office should be open and manned according to the law.</p>

Has the office having to be closed caused problems in the past?	Has the staffing level in the office affected your life outside of the office? If so, in what way(s)?
<p>It causes problems with other offices not understanding why I am closed. I will get snide remarks that it must be nice to close an office or what was so important that you needed to close. I do not like conflict at work and try to keep things peaceful and fair to everyone. It also causes problems with citizens coming in for services they can't get. I have had many complaints of people driving 30 minutes to find us closed. There are services we offer in my office that citizens would otherwise have to drive to other counties to get.</p>	<p>Stress level in my life after the reduced staffing has tripled. I feel my health has deteriorated because of the stress level. I understand that every job has some level of stress, but when you are the "boss" you need to keep more than yourself happy. You have customers and an employee that need to be taken care of. You have family at home that needs attention. When I was elected to this office it was staffed with one full-time deputy. Some days were still stressful to cover the office but it was so much more manageable. I have considered looking for other employment, but then I would feel like a quitter and that I have let the Board win by reducing my staff and forcing me out. How has this affected my family? Where can I be? I have a family with 5 children and I have had to miss school activities because I needed to keep the office open. I did close on one occasion to spend time with my family (a day that had been planned for months before I lost my deputy) but spent the whole time I was with my family feeling guilty because my office was closed. My children were very upset that I was possibly not going to be spending the day with them. So I made the decision to put my family first that day, but as I said felt guilty for closing the office. Anyone that knows me knows I am dedicated to both my job and my family and this tears me apart having to choose between them. I could go on and on, but hopefully you understand the hardship this has placed on me trying to balance both parts of my life.</p>
<p>We have not had to close to date.</p>	<p>I am a new County Clerk and have only been in office for a few months so there has not been an issue to date.</p>
<p>The one day my office was closed for 4 hours due to a family emergency, someone from the public came in and could not be helped and she went to the County Board Chairman with this matter.</p>	<p>Yes - I have only taken one vacation in the 9 years I have been here. I will take a day off here and there but not for four or five days in a row. Because of the limited deputy hours, if I go to a conference and am gone for 3 days, that means I can not have a Deputy come in to work for the next three weeks. In the 7.5 hours a day that I work, I am able to take 1/2 hour off to for lunch. I am very stressed every day. I have gained weight. My physical health has suffered. I made a goal this year to take a "stress" day off every now and then. I was not going to run for office this past term because I was just plain tired of the stress, but no one wanted the job and I let myself be talked into running again. I have a passion for the job and really enjoy what I do, but I need someone to share the workload.</p>

Have you tried to address the staffing in your office with the Administration and/or County Board? If so, in what ways? What response did you receive?

I have talked to the Finance Committee that governs my office and I do not get a good response. I understand they have a budget to live by, but why can staff not be cut from a larger office that has more than the department head and the 1 deputy? Or maybe choose some other non essential items that can be held off until we see some better budgeting times. When my deputy position was being discussed I pleaded the workload was sufficient to have myself and a full-time staff in my office. I showed how long it takes to do each thing in my office and with the staff persons vacation time, lunch time and breaks it was just barely enough time to get the work done in the calendar year. That is when I was told that I as an elected official it is expected that we pick up the brunt of the work if that means working nights and weekends then so be it. After a few meetings of trying to decide what to do with the budgeted 32 hour position, one member said 24 hours should be enough. I got him to compromise to the 28 hours I have now. It is upsetting that I only received the 28 hours since I had raised fees to cover the 32 hour position. I feel like the revenue I raised is simply going into the general fund to be used as needed for other things, but I know the response would be that the money is being used to offset my salary. After first loosing my deputy to only 24 hours a week in 2010 I had decided that once a week I would close my office and take a lunch break. This did not sit well with other offices on my floor that have the staffing to rotate lunches and keep their office open. At a full County Board meeting I was asked why I was doing this and I simply stated so that I could eat my lunch and have a small break. I was told that if I did not stop this behavior that they would find someone to run against me that could eat their sandwich at their desk. I was so distraught after that meeting that I cried the entire way home (a 30 minute drive mind you). I felt like a 2nd grader that was just scolded in front of the classroom for stealing someone's toy. So you can see there is little to no support to have any staffing in my office. Like I said before I could tell you more but I hope you can see how difficult it can be to have a part-time deputy.

The staff cuts in the office were implemented prior to my taking office on October 2, 2013. As stated I have only been in the position for 3 1/2 months, so am trying to learn trends and collect data to document and substantiate any additional need and have not yet presented anything to the County Board or Administration. My office only has myself and a 20 hour per week deputy to cover all business hours and needs.

I have tried to get extra help four different budget years. I was told that I need to "prove" that I need the help. Every year I presented my reasons, and every year I was told that I do not have sufficient documentation. I even asked specifically what they were looking for, and when I presented that documentation, I was told it was not what they were looking for. I had Nate, second in command from GAB, come to one of our Finance Committee meeting to explain the changes in the election processes over the years and why there was such an increase in election workload. I had our District Rep Dana from GAB come to my oversight committee to explain why more help was needed. The County Board members laughed and joked about "killing the messenger". Last year I requested an additional \$1,500.00 be budgeted for extra help. I had to take the request to my oversite committee, the Personnel Committee, the budget hearing meeting and finally to the full County Board. I finally won the battle and was given an additional \$1,500.00 for extra help as long as I divided the hours between the two deputies so the 2nd deputy did not get over 600 hours. I asked what would happen if she worked more hours than what was budgeted and was told "She can work the hours, we just won't pay her".

County	As a county clerk who is unable to attend the hearing, regarding AB-613, what would you like to convey to the members of the Assembly Committee on State Affairs and Government Operations?
Calumet	<p>I am unable to attend the hearing on AB-613, so I would like to offer this written testimony on my behalf. I am a County Clerk that has had a part-time deputy for the past three years. Having a half-time staff person has been difficult. I started out with a 60% staff person three years ago and then it was cut to 50% a year later. I have had to close many lunch hours, which clearly violates Wisconsin Statutes, which state that we shall be open during all business hours the courthouse is open. I have no option though as I don't have staff to cover during lunch hour and I have outside commitments that I must take care of during my lunch hour. I share a half-time staff person with another office, so when vacations, meetings or sick days arise, it is very difficult making arrangements for coverage for my office. I can get a floating secretary to sit in my office, but they aren't allowed to process marriage license applications or domestic partnerships. Some cannot even sell hunting or fishing licenses or process DMV temporary plates. They are very limited in what they can do. If I have my deputy cover my office on a day she was not scheduled to be in here, then she must make that time up in the other office, which means another day that I'm without staff in my office. It is a vicious cycle that just never ends. As the busy election year is upon us, there is undue burden on my deputy and I to get everything done on a timely basis. I am always concerned about errors being made because of the limited time we have to get election items ready. This is not acceptable in my eyes. I take great pride in my work and it is always my goal to make sure anything that leaves my office is correct. It definitely puts more strain on me to double and triple check everything. It is nearly impossible to get my "regular" work done on days without staff. My office has the main switchboard for the courthouse, incoming and outgoing mail processing, UPS processing, information desk, among the regular duties on a daily basis. I must either stay late or come in on weekends to get some of my work done if I want to stay caught up. I realize as an elected official that my day doesn't always end at 4:30 when the courthouse closes, but I also shouldn't be penalized for not having full-time staff when other offices have full staffing levels. I am begging you as someone who has lived this staff shortage for the past three years to please consider passing this legislation. Sincerely, Beth A. Hauser Calumet County Clerk</p>
Chippewa	<p>I would like to state that these clarifications in this Bill as to what the duties are as County Clerk are black and white. Clerk's duties are being stripped in many offices and this Bill only clearly defines what should be done by the Clerk or within the Clerk's office. As a Clerk in whom asked the County Board Chair as to what my role as "Secretary to the Board" means and getting the answer "I don't know", I find that interesting. Within this Bill, it clearly states that all secretarial duties of the Board shall be done within the Clerk's office. I feel this can only help in open government and transparency of county government, in which often times, I find there isn't because majority of the secretarial duties are done in the Administrator's office due to the fact the Administrator's secretary is also 'Confidential' secretary to the County Board Chair. We, as Clerks, were elected to serve the public. I am sick of hearing that there is no accountability on elected officials and there is no recourse if they aren't doing their job. We are accountable to the public in which we serve, and to me, that speaks for itself. Also, low and behold, I have seen where the Clerk's budgets are affected by cutting personnel costs, so Administration does have some 'oversight' on how the Clerks are running their office. Although my office directly is not affected at this time by having a full-time deputy, I believe that all personnel, whether elected or appointed, should be entitled to take a lunch or restroom break. By not allowing adequate staffing, this only pushes Clerk's to having to shut their doors to the public in which we serve. There is also always a need for training for both the front line workers as well as the Clerk's, and by not having the appropriate staffing, that is not possible. Elections alone have become an animal in itself. It has become such a large portion of our jobs that I don't know anyone, unless you are directly involved with preparing for elections, would have a clue or understanding of what is involved. When our office provides for 27 municipalities on top of doing the day-to-day operations, it can become overwhelming. There is also a need for checks and balances within county government. Speaking for myself, and I would think all County Clerks, I have not a problem working with my County Board and County Administration, but being continually stripped of duties, doesn't always make it for a good relationship. I believe all County Clerks are doing what they can to serve the public in the most efficient and effective manner. I have been diligently working on reducing costs within my budgets due to having some flexibility with being able to use technology and other election costs, which also trickle down to the local level; trying to do what is best for the citizens of our County.</p>

County	As a county clerk who is unable to attend the hearing, regarding AB-613, what would you like to convey to the members of the Assembly Committee on State Affairs and Government Operations?
Florence	<p>Florence County has the smallest population in the State but we still require the same knowledge to best serve our residents as any large populated County so having appropriate staffing in the County Clerks Office is imperative. In Florence County the Election is just one of many important duties our office does for the residents. Having an updated dated version of the County Clerks Office is very important due to the changing times and responsibilities. It would be impossible to perform my Statutory Duties along with the other responsibilities my County Board requires of my office and provide the best service possible to our residents if I did not have the proper staffing. I have been in this office for 11yrs and the work load just continues to increase so having that extra staff makes the County Clerks Office function as one more important part of this County.</p>
Grant	<p>With a constant threat of County Administrators and County Executives being hired in many counties; the County Clerk's Offices are finding our duties and staff slowing being striped away. I feel the State Statues need to be updated to "more clearly define" the duties of our offices and address staffing needs so we can manage our offices appropriately. The passing of AB-613 would allow our duties to be vested in the Statutes leaving no question where these duties truly belong. By defining the County Clerk duties in the Statues; will also give us a solid foundation to fight for our offices if threatened. This will allow us to run our offices more efficiently because the duties are defined and will allow us to maintain the staff we need to run our offices. Furthermore, elections of today have seen many changes from elections performed in earlier years. Elections have become a very large part of the County Clerk Offices in recent years. The reference to election duties in the State Statute today is casually stated and grouped in with taxes. This needs to be updated to fully capture the scope of duties performed in the elections of today and define this entity as a true duty of the County Clerk's office. The world we live in today is highly competitive and the need for total control seems to be a constant game changer. The passing of this Bill AB-613 would be a much needed update for the history of Wisconsin and would definitely be a step forward to help solidify the meaning of what a County Clerk's office stands for today. The duties addressed in this Bill have been conducted in the County Clerk's offices throughout the history of Wisconsin; we as County Clerk's take our job seriously and take pride in holding the title of County Clerk.</p>
Oneida	<p>Oneida County is unable to attend. Just a short message. It took me 4 years to convince 21 County Board Supervisors to make my part-time Deputy position back to full-time. Every single year I approached my committee of jurisdiction and our LRES committee telling them the work-load, our office carries for all of Oneida County citizens. Trying to explain the SVRS system and GAB regarding all the extra load of work put upon us, as well as this office being the first office any public person comes to, was like talking to the wall. An average a day of telephone calls not for this office is approximately 25-30 calls. Now we have had a work study done by Carlson Dettmann and the Full County Board will be voting on that next month at the Feb. County Board meeting. Pay increases have been frozen and benefits are going to be restructured, as well as each employee setting goals, being evaluated and only then, may receive an increase in pay on merit only. County Clerks are elected. Do you think any County Board member care! Absolutely not, we have to beg, borrow and steal just to set our wages for the next four years of that position. Department Heads make much more than an elected official and they get step increases, elected officials do not. We're lucky that we have health insurance and other benefits. But benefits are another thing, which the Board can tamper with any way they wish. Let us County Clerks do the job we were elected for. Our constituents depend upon us Clerks and we made an oath to uphold that position and do the best that we can.</p>

County	As a county clerk who is unable to attend the hearing, regarding AB-613, what would you like to convey to the members of the Assembly Committee on State Affairs and Government Operations?
Pepin	<p>More and more job duties are being taken from the County Clerk's Office and given to Appointed positions. The taxpayers who elect the County Clerk to office are getting less and less say in county business. For example, more and more financial duties were taken from the County Clerk's office, The County Board has direct supervision over the Finance Director and can direct him to do as they please. And as he is appointed by them, he abides by their decisions. Whereas the County Clerk has statutorial duties that they must abide by. Our County Board has appointed a county board secretary. As she is not elected, there has been a disconnect between the taxpayer and the County Board as this appointed position is now loyal to only the County Board and does not have to listen to the taxpayer. I believe the check and balances of this county have been unbalanced. Another point: My office is extremely understaffed. I an unable to do all the statutorial duties as assigned. I "get by" and am constantly scrambling to complete task on time. Even though when State Voter Registration started in Wisconsin which increased election work alone by 40%, my office did not get an increase in staff hours. I have worked many many nights and weekends because I believe the taxpayers deserve my best. But this has come with a price - I have had to sacrifice my family life. It is getting to a point that I am getting burned out and stressed to the limit and am considering finding a different profession - even though I have a passion for what I do as County Clerk.</p>
Sauk	<p>#1 Our office must have adequate staffing to provide services to our constiutents. Every County Clerk office should have a minimum of one FTE or two .50 FTE's if they share duties with another department. All of our assembly committee must understand that we are here to serve the public, we provide all support to our County Board Chair and board committee members. Our Courthouses' set the hours that offices are open, and we must abide by those hours - UNLESS they allow us to just make up our own office hours..... Guess, we could go from working full time to part time for the same pay..... I know darn well that our constiutents that voted us in, would not be in favor of that! Not only would we not be here to provide daily service when they need it, our number one duty which has increased immensely over the last few years (Elections) & (SVRS) that our GAB created, would never get completed in time to meet election statutory deadlines. Has our assembly committee ever seen our (Calendar of Election & Campaign Events), this book is a nightmare in itself; how can they possibly think the County Clerk alone can do al of these duties should he/she only hae one .50 FTE?? AND all of our other statutory required duties and other duties that have been created internally with our Administrative Personnel? I just can't imagine them not understanding the need for adequate staffing. Bottom Line from me: Minimum staffing, County Clerk, plus (1) one FTE or (2) .50 FTE's if the deputies are required to share duties with another department; OR the ability to add (1) one more FTE based upon the ability to accomplish workload duties effeciently and effectively and to meet all statutory deadlines and requirements.</p>
Waupaca	<p>It is a very important bill, County Clerk's provide an invaluable service and resource to the residents of their perspective counties. We can gather resources and information not only for our county board members, but the legislators as well. We make sure the laws and regulations are followed as far as the legislative county board is concerned and ensure the citizens that they may be heard by the posting of legal notices, keeping open records and keeping the media and concerned citizens informed. The duties vary as to size of the county, but the principles remain the same. We are here to provide the grass roots politics and it works. We are an arm of the state government for elections and DNR and other services, don't cut us off.</p>



Badger State Sheriffs' Association, Inc.

An Association of Wisconsin Sheriffs
Dean C. Meyer, Executive Director

President Sheriff David Kaminski
1st Vice President Sheriff Brent Oleson
2nd Vice President Sheriff Kim Gaffney
Secretary Sheriff Matt Joski
Treasurer Sheriff John Gossage

January 27, 2014

To: Committee on State Affairs and Government Operations

Re: Legislation Modernizing County Clerk Duties

Honorable Committee Members,

On behalf of Badger State Sheriff's Association, (BSSA), I respectfully request you support AB-613 as written.

This Bill aligns the required historical duties of the County Clerk with current statutory duties and requirements of the Office of County Clerk. Over time the way the County Clerk carries out his/her required Constitutional duties has changed. This legislation allows for the County Clerk to provide the required services of said office in a cost effective and efficient manner. The Bill, in addition to repealing some obsolete provisions of law, also standardizes election duties statewide thereby increasing accountability and public trust in the election process.

I ask that you support AB-613.

Respectfully,

Sheriff Brent H. Oleson, Chairperson
BSSA Legislative Committee

Survey responses from Buffalo County Clerk Roxann Halvorson:

A2: If my deputy is not in my office I handle the work myself. I do not take breaks or lunches and will stay late or take work home to accomplish the workload in a timely manner. There have been times where my office is closed because I have a meeting I need to attend and I have no staff to cover the office. This only makes customers upset and doubles the workload when I return.

A2: It is not closed on a weekly basis. I would have to say it is closed possibly once a month, maybe twice, depending on what is going on. Very rarely will I close for a full day, but I will close for a few hours to attend meetings. I have come to work with high fevers and days after shoulder surgery to cover the office because of no staffing.

A2: It causes problems with other offices not understanding why I am closed. I will get snide remarks that "it must be nice to close an office" or "what was so important that you needed to close?" I do not like conflict at work and try to keep things peaceful and fair to everyone. It also causes problems with citizens coming in for services they can't get. I have had many complaints of people driving 30 minutes to find us closed. There are services we offer in my office that citizens would otherwise have to drive to other counties to get.

A2: Stress level in my life after the reduced staffing has tripled. I feel my health has deteriorated because of the stress level. I understand that every job has some level of stress, but when you are the "boss" you need to keep more than yourself happy. You have customers and an employee that need to be taken care of. You have family at home that needs attention. When I was elected to this office it was staffed with one full-time deputy. Some days were still stressful to cover the office but it was so much more manageable. I have considered looking for other employment, but then I would feel like a quitter and that I have let the Board win by reducing my staff and forcing me out. How has this affected my family? Where can I begin? I have a family with 5 children and I have had to miss school activities because I needed to keep the office open. I did close on one occasion to spend time with my family (a day that had been planned for months before I lost my deputy) but spent the whole time I was with my family feeling guilty because my office was closed. My children were very upset that I was possibly not going to be spending the day with them. So I made the decision to put my family first that day, but as I said felt guilty for closing the office. Anyone who knows me knows I am dedicated to both my job and my family, and this tears me apart having to choose between them. I could go on and on, but hopefully you understand the hardship this has placed on me trying to balance both parts of my life.

A2: I have talked to the Finance Committee that governs my office and I have not received a good response. I understand the county has a budget to live by, but why can staff not be cut from a larger office that has more than the department head and the one deputy? Or maybe choose some other non-essential items that can be held off until we see some better budgeting times. When my deputy position was being discussed I pleaded that the workload was sufficient to have myself and a full-time staff in my office. I showed how long it takes to do each thing in my office and with the staff person's vacation time, lunch time and breaks it was just

barely enough time to get the work done in the calendar year. That is when I was told that as an elected official it is expected that I pick up the brunt of the work; if that means working nights and weekends then so be it. After a few meetings of trying to decide what to do with the budgeted 32-hour position, one member said 24 hours should be enough. I got him to compromise to the 28 hours I have now. It is upsetting that I only received the 28 hours since I had raised fees to cover the 32 hour position. I feel like the revenue I raised is simply going into the general fund to be used as needed for other things, but I know the response would be that the money is being used to offset my salary. After first losing my deputy to only 24 hours a week in 2010, I had decided that once a week I would close my office and take a lunch break. This did not sit well with other offices on my floor that have the staffing to rotate lunches and keep their offices open. At a full County Board meeting I was asked why I was doing this, and I simply stated so that I could eat my lunch and have a small break. I was told that if I did not stop this behavior that they would find someone to run against me who could eat her sandwich at her desk. I was so distraught after that meeting that I cried the entire way home (a 30-minute drive mind you). I felt like a 2nd grader that was just scolded in front of the classroom for stealing someone's toy. So you can see there is little to no support to have any staffing in my office. Like I said before, I could tell you more, but I hope you can see how difficult it can be to have a part-time deputy.

Wisconsin County Clerks Association

President - Kathy Brandt, Marinette County

Legislative Committee Chair – Jamie J. Aulik, Manitowoc County

Legislative Committee Vice-Chair – Joe Czarnezki, Milwaukee County

info@wisconsincountyclerks.org

www.wisconsincountyclerks.org



Please support AB-613

Updating and modernizing county clerk duties, increasing accountability in local government

AB-613 **empowers county clerks to innovate** and deliver services in an efficient and cost-effective manner. Also, by having county clerks serve as independently elected election administrators in every county, the proposal standardizes and brings accountability to election operations.

- **Modernizing local government and empowering innovation:**
 - Updates statutes to include the major duties of the office.
 - Enables clerks to perform their jobs in 2014, not 1955. Updates include giving officials the flexibility to store official records in different formats, such as electronic format, which helps reduce cost.
 - Increases transparency and public access to government by collecting and disseminating email addresses of all officials serving in tax districts.
- **Standardizing election duties statewide and increasing accountability:**
 - Recognizes the county clerk as a focal point for election administration in the county, and creates the title of “Chief Election Officer of the County” and delineates duties associated with the title.
 - Standardizes election administration statewide by making the independently elected Milwaukee County Clerk accountable for election operations while maintaining the Milwaukee Board of Election Commissioner’s structure.
 - Increases accountability by having an elected official supervising duties similar to every other clerk in the state.
- **Safeguard checks and balances within county government:**
 - As independently elected officials, county clerks assure adequate checks and balances in his/her unit of local government. The clerk should oversee the clerical duties not only for the county board as a whole, but also for committees where fiscal and policymaking decisions are made but may not require action of the full county board.
- **Adequate staffing:**
 - Ensures clerks can handle increasing workloads, notably in election administration.
 - Allows staffing flexibility by providing for a full-time *or equivalent* deputy clerk, but also safeguards the county clerk’s ability to accomplish his/her statutory duties.



County of Door
COUNTY CLERK'S OFFICE

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Jill M. Lau
County Clerk
(920) 746-2200
jlau@co.door.wi.us

January 28, 2014

To: Members of the Committee on State Affairs and Government Operations

From: Door County Clerk Jill Lau

Re: AB-613

I write this letter in support of Assembly Bill 613. Unfortunately, due to staffing and required needs within my office, I am unable to be in person today to testify.

As a clerk, I strongly believe in the importance of the duties of and the role in ensuring honest, accountable county government. Over the past several years there has been a hard fought fight to maintain both the statutory and immemorial duties of the Door County Clerk's office. Door County government, over the past decade has continually transferred out duties of the county clerk to justify other positions within the county. In turn, over the past three years, Door County government has threatened and tried to reduce the hours and eliminate the position of the deputy clerk. While it seems like common sense that a constitutional officer needs at least one, full-time, person to help staff the office (an office that is statutorily required to be open during all regular business hours), Door County government has ignored common sense. With the statutory requirement to be open and without staffing, there can never be an illness, emergency, or vacation, because I MUST be in the office in order for the office to meet the requirement.

With the transferring of statutory and immemorial duties to the County Administrators Office, I believe much of the fundamental checks and balances of the county's executive branch have been jeopardized. Please know, there have been meetings with several administrative officials over the past several years within Door County only to be told, in some cases, Door County doesn't have to follow the law. Even though references to the Wisconsin Statutes have been pointed out numerous times, I have been met with resistance at almost every turn.

Assembly Bill 613 clearly defines and adequately describes the roll of the County Clerk; standardizing the clerk's duties statewide, modernizing antiquated language while removing obsolete duties. Furthermore, AB-613 updates outdated record keeping methods, ensures staffing needs, safeguards the transparency of information and preserves the fundamental checks and balances of the county's executive branch.

I strongly urge you to approve AB-613.

I will not be attending due to the fact it is only my Deputy and I in our office. For years she has requested training. She is getting her wish only to find out it will keep me from attending this very important event.

Our legislators need to know that our offices have been under attack. They do not take into consideration the additional responsibilities that are placed upon our offices such as SVRS. Multi-tasking has a whole new meaning to me. It is nearly impossible to finish any one task adequately, without interruption, or on time. Our County Administrations have robbed us of the duties they want from our offices, left us with the difficult and tedious duties they do not understand, reduced our wages, and have refused to listen to our cries. Because we are elected and not necessarily under their control they feel the need to separate themselves from what we do, hence furthering the gap between us.

Elected officials and their offices are the foundation of our Democracy. Without us we have Socialism.

Here is an example of a typical day:

Delinquent taxes are at an all-time high in Lincoln County. I was asked the other day how collections are going and to see the list of properties we would be taking. This is a duty that has to wait until we are done processing minutes and agendas, issuing Marriage, DNR, DMV and dog licenses and registrations while we are answering the phone as the counties operator, processing the incoming and outgoing mail, tending to our 22 County Board Supervisors, communicating with our 18 municipal clerks, organizing our records, and oh yeah we have an election with deadlines to set up.

Realistically, not only do I need to secure my Deputy full time, I need another full time position to do what we need to do adequately and on time.

Thank you to those who will be in attendance and to those writing testimonies.

I apologize that I cannot go. I will not get a lunch break while my deputy is out nor does she when I am out. Currently we do not really have a plan in the event one of us were away and the other were to be ill.

Chris

Christopher J Marlowe
Lincoln County Clerk
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Merrill, WI 54452

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1/28/2014

Dear members of the Assembly State Affairs & Government Operations Committee:

Prior to 2010, my office had a full-time deputy. Four years ago, due to budget constraints, the Finance Committee decided that I should share my deputy with another office. I explained that with the ever-increasing workload I really needed a full-time deputy, but I was ignored. Since, I've made numerous other pleas, and I even increased office fees to offset some of the cost of more deputy hours, but I continue to be denied additional help. Requesting passage of this bill, which includes a full-time deputy clerk requirement, is a last resort for me.

As an elected official, being friendly, helpful and available to the public is extremely important to me. With just one part-time deputy, though, I can't always give my county's residents the customer service they deserve. Due to lack of staffing, sometimes I am forced to close my office completely, even though it is statutorily required to be open during regular business hours. This is something I do not like to do, since people come to my office for services that they would otherwise have to travel to another county to obtain. My office being closed is very inconvenient for them, but at times I am given no other choice.

My deputy works in my office 28 hours per week, and floats to other offices the remaining hours. If I become sick when my deputy is scheduled out of the office, my office must be closed. If by chance it works where she can cover the office, I am expected to make up the hours I missed at another time. So, essentially, I am offered no vacation or sick time like other county employees. Even attending routine county meetings is a challenge. There have been several occasions in the last year that I have had to close my office during meetings. Because of not having adequate backup, I rarely (if ever) attend conferences or district meetings. I am very thankful to my fellow County Clerks and the GAB for keeping me apprised of changes in clerk duties, since I am unable to get away from the office to participate in training.

It's difficult to retain an employee who is shared with another office. These employees are afraid of their hours being cut and would rather work in one office full time. Because of the uncertainty, I eventually lost a deputy with whom I'd worked with since I was elected in 2004. With her went a massive amount of knowledge of office procedures. During this time of transition, I was left without staff at all for two weeks, and with very limited staff for three months. To say this was stressful would be an understatement. Training the new person proved to be very difficult, as there is only so much time you can spend training and still get other things done in a timely manner. It is also very hard to experience all that is involved in this office in a limited amount of hours per week. A lot of the training needs to be hands on. There are still many things that I need to train my deputy on but just don't have the time to.

There are many times that our counter will become so busy that other necessary tasks cannot be accomplished. Consistently, I have to stay after hours to get the work done. Or, because of my deputy's strong work ethic, she comes in early – on her own time -- to complete work before going to another office. I do not like when she does this, because she is not getting paid for that time. This should not be happening, and would not happen, if she were in my office full time.

I know the full-time deputy provision is only part of the bill that you have before you. My deepest worry is that you will strike this portion, but pass the other parts of the bill that *add* duties. A full-time deputy for every county clerk is critically important. I realize that you may be uncomfortable telling counties that they need to staff their offices adequately, but please know that I would not speak out about this unless I felt it was necessary and a last resort.

I appreciate your time in taking this item up for review.

Roxann Halverson
Buffalo County Clerk

ROCK COUNTY, WISCONSIN

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Lori Stottler, Rock County Clerk
Lisa Miannecki, Deputy
David Babcock, Clerk Specialist

To: Wisconsin State Assembly Committee on State Affairs and Government Operations
From: Lori Stottler, Rock County Clerk since December 2007.
RE: AB429, AJR77 & AB613

Good afternoon Chair Weininger and Committee Members,

Thank you for the opportunity to hear from myself and other on this proposed legislation today.

Regarding Assembly Bill 429, I urge your support of this Bill. As a wedding officiant, (<http://www.gazettextra.com/article/20130812/ARTICLES/130809780>), I take my role very seriously. I believe it is more important that an officiant understand the serious nature of this business and the legality of the documents they are signing and filing. I view this bill to be clean-up and modernization of WI State Statute.

Regarding AJR77, I can't urge you strongly enough to stop this Bill in its tracks! While it is tempting to jump on the band wagon that touts reasons why appointing may be better for us; hire people with credentials to perform the job, save money, the positions are outdated, or as Ernst-Ulrich Franzen posted in last week's editorial of Journal Sentinel, "there is no good reason to elect a person to a job that is basically technical in nature." I wonder how much research and fact checking that editorial had in it as that reflects more of an off the cuff opinion than that of a well researched editorial.

The Department of Political Science, UW and Department of Political Science, University of Colorado-Boulder and the La Follette School of Public Affairs at the UW Madison released a study "Comparing Elected and Appointed Election Officials: the Impact of Selection Method on Policy Preferences and Administrative Outcomes" that was supported and funded through the GAB and Pew Charitable Trusts. A primary statement supporting elected officials is this, and I quote: "The method by which we select public officials can have a significant effect on their environment, the pressures they face, and ultimately the policy goals they pursue. In particular, elected officials may be more likely than appointed officials to pursue policies that are in line with the perceived preferences of the electorate." Furthermore, "the results support the notion elected officials are more likely to express attitudes and generate outcomes that reflects their direct exposure to the policy preferences of voters, in contrast to the more insulated position of appointed officials."

I'd also offer up a study from Ruben Enikolopov of Harvard University titled "Politicians versus Bureaucrats: Evidence from US Local Governments" This study cites immediately, "Directly elected public officials need popular support to get reelected, whereas appointed public officials need to please only those who are responsible for their appointment." This study looks at the issue of elected officials "vote-buying" activities more so than their appointed counterparts; but when

leveled at an administrative constitutional officer such as a County Treasurer, there is nothing to buy. The idea that county government can take on a pro-privatization appeal and that all appointed employees are not at the will of those who appointed is blind and irresponsible.

Finally, I offer a study from the July 2012 Journal of Public Economics titled "To Elect or to Appoint? Bias, Information, and Responsiveness of Bureaucrats and Politicians." By Matias Iaryczower, Garret Lewis and Matthew Shum. This paper suggests and explores the empirical trade-offs involved "in choosing between bureaucrats and politicians." This study has some focus on criminal decisions across the US Supreme Courts,... THIS is one of my primary concerns of appointed Treasurers! Absolute power corrupts absolutely. When appointed bureaucrats are "shielded from voters", the quality may go up but the transparency goes down.

It is important to note that County Constitutional Officers have **NO POLICY MAKING AUTHORITY**. I type this in caps because it makes us very different from the other partisan elected officers. We are in place to provide access to the public and our job performance is reviewed at every election. Those of us not doing our job are likely highlighted in the media first and then confirmed by a vote of the public. Government agencies like County Government are for the people, by the people. This is NOT a position that should be appointed.

The path that this Bill took to get on the floor in the first place should be REASON NUMBER ONE why you should pay it no attention: Basically there was agreement made between the Milwaukee County Board, the Milwaukee County Treasurer, and the Milwaukee County Executive. The current treasurer requested that the position be converted to an appointed position.

When I first read about this proposal, I was reminded of a saying that my father always used... "Those who have nothing to hide, hide nothing." The financial transparency of a government entity cannot be rolled up into the "appointed" oversight of the mice. Every good farmer has barn cats because the farmer's instinct knows it's a wise idea to balance his environment. Every good Government leader should appreciate the Courthouse "cats" (aka-elected officials) because instinct should point to balance of environment (morals, ethics, temptation, greed...) It's SO simple – this is not a good model for local government that has a \$279.3 million dollar budget and cares for a population of nearly 600,000 people.

Regarding AB-613, I would urge you to support this bill. I am very pleased to tell you that nearly all of the Rock County Legislative Delegation has signed onto this bill, with the exception of Senator Kedzie. I did however, receive an email dated 12/20/2013 stating that while he has not taken a formal position on the proposal, he continue to review the merits. This kind of support is what I believe makes Rock County the kind of County that rebounds and comes back stronger than ever in the face of adversity, diversity and challenge, and I am grateful to be a member and Constitutional Officer of it!

I include with my testimony a document "Purpose of updating Wis. Stat. 59.23" as well as a statement from the WCA stating their one and only hesitation to supporting this Bill. I believe with this documentation, you will see that it makes perfect sense to move ahead with this Bill and give it your full support. Thank you for your time and for your service.

Purpose of updating Wis. Stat. 59.23

County clerks want to work with county board supervisors, administration, and corporation counsels to implement these items. Updates to and modernization of Wis. Stat. 59.23 are being sought for the following reasons:

- Update and clarify state statutes
 - In its present form, 59.23 does not adequately describe the duties of county clerk.
 - There is only a brief mention of the county clerk's role in elections, and over time this has become one of the clerk's principal responsibilities.
 - There are also no references to other major office duties such as marriage licenses/domestic partnerships, dog licensing, etc.
 - The updates also seek to clarify responsibilities within county government, which makes the job more transparent and understandable to the public, board members, other officials, and prospective and current clerks.
- Modernizing and empowering innovation in local government
 - LRB-2666 enables county clerks to perform their jobs in 2013, not 1955. Updates that modernize procedures include giving officials the flexibility to store official records in different formats, such as electronic format, which helps reduce cost; and increasing public access to government by collecting email addresses of local elected officials.
- Safeguard checks and balances within county government
 - From the time that the office of county clerk was created as a constitutional office, it has been a vital member of the executive branch of county government. This is due, in part, to its statutory functions as county board secretary and financial record keeper. As an independently elected official – who is accountable to *all* county citizens through the voting process – the clerk is uniquely positioned to assure adequate checks and balances in the executive branch. It is imperative that clerks continue serving in this important role through the unhindered performance of their immemorial duties.
 - To be a contributing member of the executive team – as well as an effective clerk to the county board – the clerk should oversee the secretarial duties not only of the county board as a whole, but also of its committees, at which significant decisions can be made that do not require action of the full county board.
 - The clerk must have sufficient staff to perform his/her duties.
- Adequate staffing
 - Given the statutory duties of the office, the bill provides that a deputy clerk be staffed either at full-time or equivalent level, which provides flexibility to determine how the office is staffed.
 - Adequate staffing also ensures that the clerk is able to comply with the provisions of 59.20 (3) (a), which requires that the office is open during normal business hours, and the public receives the level of services that they expect.
 - Election laws continuously change and election workloads continue to increase. Overseeing this important responsibility is impossible without adequate staff to accomplish these tasks.

- Increase public access to government
 - Specifies a single location for obtaining meeting notices and minutes, thereby ensuring open meetings and public records law compliance.
 - Provides a centralized system of collecting and disseminating contact information regarding all elected officials within a county.

- Other language updates and modernization
 - Gives clerks discretion on the medium in which they choose to store a record, to include electronic storage, which is generally a less expensive method than paper.
 - Modernizes antiquated language and updates statutory language
 - Removes obsolete duties.

From: "Kyle Christianson" <christianson@wicounties.org>
To: LORI STOTTLER <STOTTLER@co.rock.wi.us>
Date: 1/27/2014 10:24 AM
Subject: Re: Tracking AB-613 Attendance/Plan

Lori,

Thank you for your email. You are correct that WCA is opposing AB 613. While we support many of the changes included in the bill, we are concerned with the bill provision specifying "one FTE deputy clerk would work exclusively in the clerks office and would be removable only by the county clerk." We are concerned that this provision not only supersedes a county's authority to determine its own staffing levels, but we worry this could set a precedent for Madison legislators to set county staffing levels and responsibilities; something we feel is best done at the local level by locally elected county officials. If the above referenced section of the bill were removed, we would withdraw our opposition.

Thanks Lori and I hope this helps explain our position. Please let me know if you have any questions. I am out of the office today, but feel free to email or call me on my cell at 608.219.3574.

Thank you,

→ Statute language "or equivalent", "insofar as practical"

Kyle

→ 59.20 require office to remain open at the county (3)(a) Seat during "usual business hours" except Sunday.

Sent from my iPad

On the hook for hours + service with no pay to # of Staff members!
or \$5 fine 😊

On Jan 27, 2014, at 9:41 AM, "LORI STOTTLER" <STOTTLER@co.rock.wi.us> wrote:

> Hi Kyle,

>

> I received word that the WCA is opposing AB-613.

> I was on the WCA website looking for legislative documentation as to why and cannot find it.

> Can you shed some light on the WCA position for opposing this bill and share any testimony or documentation explaining why?

>

> Thank you,

> Lori Stottler

> Rock County Clerk

>

>

>

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SHEBOYGAN COUNTY CLERK

Jon Dolson
County Clerk

January 28, 2014

**Wisconsin State Assembly
Committee on State Affairs and Government Operations
Representative Weininger-Chair**

RE: AB 613

Over the past thirty years, in many counties, county clerk duties have been slowly eaten away. We are important in the checks and balances structure of county government, we are the focal point for election administration in our counties, as independently elected officials we perform oversight without fear of retribution but, we need to be adequately staffed in order to perform the important role that we have.

County clerk statutes are in drastic need of clarification and updating. Statute 59.23 (1) (a) states, "The clerk shall appoint in writing one or more deputies." This obviously sounds like the legislature intended our office to have staff. But, certain interpretations argue, "It doesn't say at what level those deputies should be staffed." I agree, so let's fix that.

On elections, being possibly the most important role of the county clerk, the statute's only reference to election duties in our "job description" is found in 59.23 (2) (n) *Taxes; election duties*. "Perform all duties that are imposed on the clerk in relation to the assessment and collection of taxes, and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial, and special elections." That's it. A single (39) word sentence. Elections are nearly a throwaway line, grouped in with taxes. If that doesn't illustrate that this section has not been touched in many years, I don't know what does. By the way, the word "therefor" (no "e") occurs (4) times in that section...which sounds like language from 1895.

In summary, AB-613 seeks to clearly state, "this is what a clerk is and does in 2014." It clarifies and vests duties so that anyone can read that section of statutes and know what a county clerk does. As one can plainly see, this bill was cosigned by (43) Representatives and (11) Senators. That fact alone shows that there is overwhelming agreement that change is overdue.

Sincerely,

Jon Dolson



Melanie R. Stake, Clerk
Courthouse
209 S. Ste. Marie St.
P.O. Box 488
Wautoma, WI 54982-0488
Phone: (920) 787-0442
Fax: (920) 787-0425

Sarah Luchini,
Deputy Clerk

Donna Teschner,
Accounts Payable Supervisor

To: Assembly Committee on State Affairs and Government Operations
Date: January 28, 2014
Re: AB-613 'County Clerks Duties' Bill

Honorable Chairman Weininger and Committee Members:

Thank you for giving the state's county clerks the opportunity to speak to you about Assembly Bill 613, the "County Clerks Duties Bill." AB-613 addresses a growing concern about the office of county clerk and its ability to continue effectively providing citizens the service they deserve from their government. This bill is not extravagant or overreaching; it simply affords county clerks the necessary tools and authority to be efficient, available and accountable to the public, consistently in all 72 counties.

In order to properly serve our constituents, county clerks need your help. Our duties need to be clarified, and thereby protected, in the statutes; and we need appropriate staffing to fulfill these duties.

Clarification of Duties: In recent years, there has been an effort in some counties to transfer clerks' duties to other administrative offices, often by exploiting gray areas in the statutes. For example: Chapter 59.23 (2) (a) states that the county clerk shall "act as clerk of the board," specifying that clerks must take meeting minutes and keep other board records. However, nothing is explicitly said about creating county board agendas or distributing meeting materials. As a result of this statutory gray area, some administration offices claim these unspecified duties, then use the extra work as justification to grow their staffs and cut county clerk staff. If erosion of our responsibilities and staff continues, eventually the public will rightfully question why we're needed at all. And we are needed every bit as much now as when our constitutional offices were created. Wisconsin's founders intended that the citizenry decide who oversees their finances, administers their elections, and keeps their records. We are accountable to the public as a whole; not just to the county board or an administrator. This makes us especially valuable in safeguarding checks and balances in county government. Help us to continue fulfilling these vital roles by clarifying our duties.

Appropriate Staffing: Chapter 59.20 (3) (a) mandates that certain county offices, including the clerk's, must be open during all regular business hours. Imagine how difficult it would be to keep an office open for 40 plus hours per week with only a part-time staff person to assist you. This is what several counties in the state are demanding that their clerks do, creating a hardship for the clerk and their counties' citizens. The statutes allow clerks to appoint "one or more deputies." Please help us clarify that "one" truly means one – not a half or a quarter of a deputy. AB-613 does not seek to micromanage how counties staff their offices. It simply requires that counties be reasonable. Furthermore, the bill allows counties leeway in how this level of staffing is accomplished (i.e., by having two part-time deputies that equal one full-time position).

All that we ask of you through AB-613 is to allow clerks to do the jobs the statutes intended for us to do, unimpeded by other county departments' encroachment and with minimum staffing to help us serve the public.

Thank you for your time and consideration.



MEMORANDUM

TO: Honorable Members of the Assembly Committee on State Affairs and Government Operations

FROM: Kyle Christianson, Director of Government Affairs *Kc*

DATE: January 28, 2014

SUBJECT: Opposition to Assembly Bill 613, Relating to modifying the duties of a county clerk; the counties in which a board of election commissioners is required; and staffing of a board of election commissioners in populous counties.

The Wisconsin Counties Association (WCA) opposes Assembly Bill 613.

The Wisconsin Counties Association values the role performed by county clerks in county government and recognizes the numerous statutory demands placed upon their office. WCA appreciates the efforts of the author and the Wisconsin County Clerks Association to provide clarity in a number of areas relating to the office of county clerk, including the preparation of committee and board meeting agendas and the filing of meeting minutes.

However, WCA must oppose AB 613 because of its provisions relating to the position of deputy clerk and the county clerk's authority over the position.

As explained in the attached legal memorandum from WCA General Counsel Andrew Phillips, AB 613 significantly modifies current law. Current law gives the county board the authority to establish the number of employees in any department, including deputies to elective officers, and to establish regulations of employment for any county employee.

AB 613 gives the county clerk -- not the county board -- the authority to appoint in writing "one or more **full time equivalent** deputies to work exclusively in the clerk's office," and further states that these appointees "may be removed only by the clerk." This marks a significant departure from a county board's current authority to staff offices, allocate personnel resources and otherwise regulate county employment.

WCA believes that county boards should work cooperatively with all constitutional officers to ensure they have adequate resources to carry out the duties of their offices. Yet it is the job of the county board to set the county's budget and personnel policies and to allocate resources in a way that best serves the interests of the entire county. In the current fiscal climate, county boards must balance competing interests in a manner that often leaves no county office or department completely satisfied but still meets the myriad needs of county residents.

AB 613 establishes the clerk's office as having priority over all other county offices and departments. Under the bill, the clerk's office is guaranteed one full time equivalent deputy who will "work exclusively in the clerk's office." Efforts by counties to create efficiencies by cross-training employees or sharing positions between offices are prohibited in the case of the deputies who "work exclusively in the clerk's office." Any attempt by the board to impose routine conditions of employment are also restricted by AB 613. In effect, these statutorily created deputies will exist outside of the authority of the county board, their hours allocated exclusively to the office of county clerk, and subject only to removal by the county clerk.

If the Legislature approves this provision, it will create a singular exception to the county board's authority to staff constitutional offices and allocate resources. This will undermine the board's very ability to allocate limited resources among county departments, and, if successful, will likely encourage other county constitutional officers, and possibly other county department heads, to seek similar statutorily created, state-mandated positions exempt from the county board's ability to allocate their times and regulate their employment.

Attorney Phillips has also identified concerns related to the clerk's continued access to financial records in counties that have established a county auditor. WCA shares those concerns and believes that the change proposed in AB 613 is unnecessary.

WCA respectfully requests the Committee delete the provision relating to the position of deputy clerk. If this provision is not deleted, WCA respectfully requests the Committee oppose Assembly Bill 613.

MEMORANDUM

TO: David Callender, Legislative Associate
Wisconsin Counties Association

FROM: Andrew T. Phillips
Phillips Borowski, S.C.

RE: Assembly Bill 613 Relating to Amendment of Wis. Stats. Chap. 59 (Duties and Authority of County Clerk)

DATE: January 23, 2014

The Assembly has introduced Assembly Bill 613 (“Bill”), which 613 makes several substantive changes broadening the duties and authority of county clerks. While some of the changes merely codify current practice and could be construed as helpful in further refining the role of a county clerk, there are other provisions that vest county clerks with authority well beyond that provided other county constitutional officers and inconsistent with the current county organizational model. If Assembly Bill 613 is signed into law in its present form, it would lead to significant tension between county clerks and county boards and other county officers and, in addition, create unnecessary confusion regarding the appropriate role of the county clerk and his or her deputies and assistants in the county organizational model. Our analysis of the problematic provisions of primary concern contained within Assembly Bill 613 follows.

Bill Section 4 – Amendment to Wis. Stat. § 59.23(1)(a)

Under current law, a county clerk may appoint one or more deputies to aid the clerk in the performance of his or her duties. While the clerk maintains the discretion to appoint (and remove) a deputy, the person appointed or removed is considered an employee of the county. As a result, the employee/deputy is subject to the county’s employment regulations established pursuant to Wis. Stat. § 59.22(2)(c)1., which provides:

1. Except as provided in subd. 2. and par. (d), the [county board] may do any of the following:
 - a. Provide, fix or change the salary or compensation of any office, board, commission, committee, position, employee or deputies to elective officers that is subject to sub. (1) without regard to the tenure of the incumbent.
 - b. Establish the number of employees in any department or office including deputies to elective officers.
 - c. Establish regulations of employment for any person paid from the county treasury.

The Bill significantly modifies current law. First, the Bill vests with the county clerk the authority to “appoint in writing one or more *full-time equivalent* deputies *to work exclusively in the clerk's office...*”. In addition, the Bill adds language indicating that “[a] deputy appointed under this paragraph may be removed only by the clerk.” As indicated above, the employment status of an appointed deputy under current law is controlled by the county board. Under current law, the power of appointment necessarily includes the power of removal. As a result, because of the added language vesting the removal authority solely with the clerk, the Bill may be construed as providing that a county clerk would control not only an individual’s deputy status, but also the individual’s employment status. This is particularly concerning given that the Bill contains no limitation on the number of deputies that a clerk may appoint, nor does the Bill address concerns relating to unfettered appointment authority emanating from a partisan political office.

Moreover, the language indicating that an appointed deputy clerk must work “exclusively” for the clerk significantly hampers any effort to cross-train employees and create efficiencies among the various county offices and departments. None of the existing statutes for other elected officials mandate an “exclusive” relationship between an appointed deputy and the constitutional officer. (See Wis. Stat. §§ 59.25(2)(a), Treasurer; 59.35, Coroner; 59.40(1)(a), Clerk of Court; 59.43(3), Register of Deeds).¹

Next, the Bill provides that “[t]he board *shall* provide a salary for the deputy or deputies.” Again, this requirement would be unique to county clerks and is contrary to Wis. Stat. § 59.22. If the Bill is construed consistent with its plain language, there is no limit on the number of deputies a clerk may appoint and a county board is required to provide a salary to each deputy.²

Bill Section 13 – Creation of Wis. Stat. § 59.23(2)(d)2.

This section of the Bill provides that the county clerk has free access to the “books, accounts, bills, vouchers, and receipts” of the county without regard to whether the county has created the separate position of auditor under Wis. Stat. § 59.47. Under current law, a county clerk acts as county auditor unless the county board has created the separate auditor position under Wis. Stat. § 59.47(2). In cases where the county clerk is also the auditor, current law provides the clerk with a right of access to the information described in this section. However, there is no reason to provide a partisan officer with unfettered access to the information described in this section if the officer is not the auditor.

If you have any questions surrounding our analysis, please do not hesitate to let us know. Thank you again for the opportunity to be of service to the Association and its member counties.

¹ Wis. Stat. § 59.26 relates to a Sheriff’s appointment of a deputy, but such appointments are subject to civil service regulations and other factors not present in other county offices.

² The board would need to comply with all federal and state wage and hour laws in setting the salary.